

Appl. No. 10/052,473
Amdt. dated September 26, 2005
Docket No. NEOME-016A

REMARKS/ARGUMENTS

By the foregoing amendment, claims 1-117 are cancelled without prejudice and claims 118-130 are added. It is requested that this amendment be entered concurrently with the enclosed Request for Continuing Examination and that examination of claims 118-130 proceed forthwith.

New independent claim 118 recites a glaucoma treating device comprising a) an elongate probe, b) a bipolar electrode that is useable to form an opening in the trabecular meshwork such that fluid may drain through said opening into Schlemm's canal and c) a protector that is configured to be advanced into Schlemm's canal, such protector being configured and positioned in relation to the bipolar electrode such that it will substantially protect cells that line the scleral wall of Schlemm's canal from being substantially damaged by energy that emanates from the bipolar electrode.

Neither Rockley et al. nor Kagawa et al. nor any other prior art of record describes or even suggests a device as recited in new independent claim 118. Both Rockley et al. and Kagawa et al. describe devices and methods wherein ultrasound is used to remove the lens of an eye. Neither Rockley et al. nor Kagawa et al. describe or suggest any device having a bipolar electrode in combination with a protector configured to be positioned in Schlemm's canal and to protect cells lining the scleral wall of Schlemm's canal from damage as the bipolar electrode is used to form an opening in the trabecular meshwork. Thus, for this reason and others not specifically articulated here, independent claim 118 is allowable over all prior art of record. Claims 119-130 further define or further limit the subject matter of claim 118 and, thus, are also allowable.

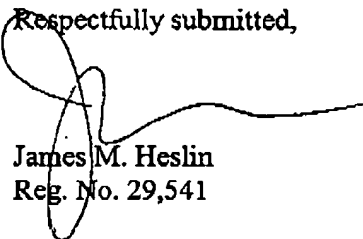
Accordingly, issuance of a notice of allowance with respect to claims 118-130 is earnestly solicited. It is requested that the Examiner telephone Applicant's undersigned counsel to discuss any further measures that may be taken to expedite allowance of this application.

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Applicant thanks the Examiner for his cooperation.

Date: September 26, 2005

Respectfully submitted,



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